

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0191 – Naser Rezoning

Z.A.P. DATE: October 21, 2008

CITY COUNCIL DATE: November 21, 2008

ADDRESS: 12100 North Lamar Boulevard

OWNER/APPLICANT: Nasib Naser

AGENT: Nasib Naser

ZONING FROM: NO

TO: GR

AREA: 2.375 acres (103455 sq.ft.)

SUMMARY STAFF RECOMMENDATION: The staff's recommendation is to grant LR-CO (Neighborhood Commercial – Conditional Overlay) district zoning. The conditional overlay would limit the vehicle trips per day to 2000. The applicant agrees with this recommendation and will amend his zoning request.

ZONING AND PLANNING COMMISSION RECOMMENDATION: 8/21/08 -Approved LR-CO on consent with conditions: prohibited uses for Consumer Convenience Services, Offsite Parking, Guidance Services and Service Station uses (4-0 Baker, Gohil and Jackson absent)

DEPARTMENT COMMENTS: The subject property is 2.375 acres zoned NO (Neighborhood Office) with frontage on North Lamar. It is currently developed with a tire shop and a vacant lot. The applicant seeks to rezone the property in order to construct a 2 building retail and restaurant development. The applicant has agreed to amend his zoning request from GR to LR-CO to promote compatibility with surrounding zoning. At the Zoning and Planning Commission meeting, a representative from the Walnut Creek Neighborhood Association offered conditions to the LR-CO zoning for prohibited uses – Consumer Convenience Services, Offsite Parking, Guidance Services and Service Station uses. The applicant agrees to these conditions.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	NO	Tire Sales, Vacant Lot
<i>North</i>	NO	Vacant
<i>South</i>	NO	Workshop/Studio, Appliance Distribution
<i>East</i>	SF-6-CO	Apartments/Condo
<i>West</i>	RR	Cemetery/Church

AREA STUDY: N/A

TIA: Waived

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

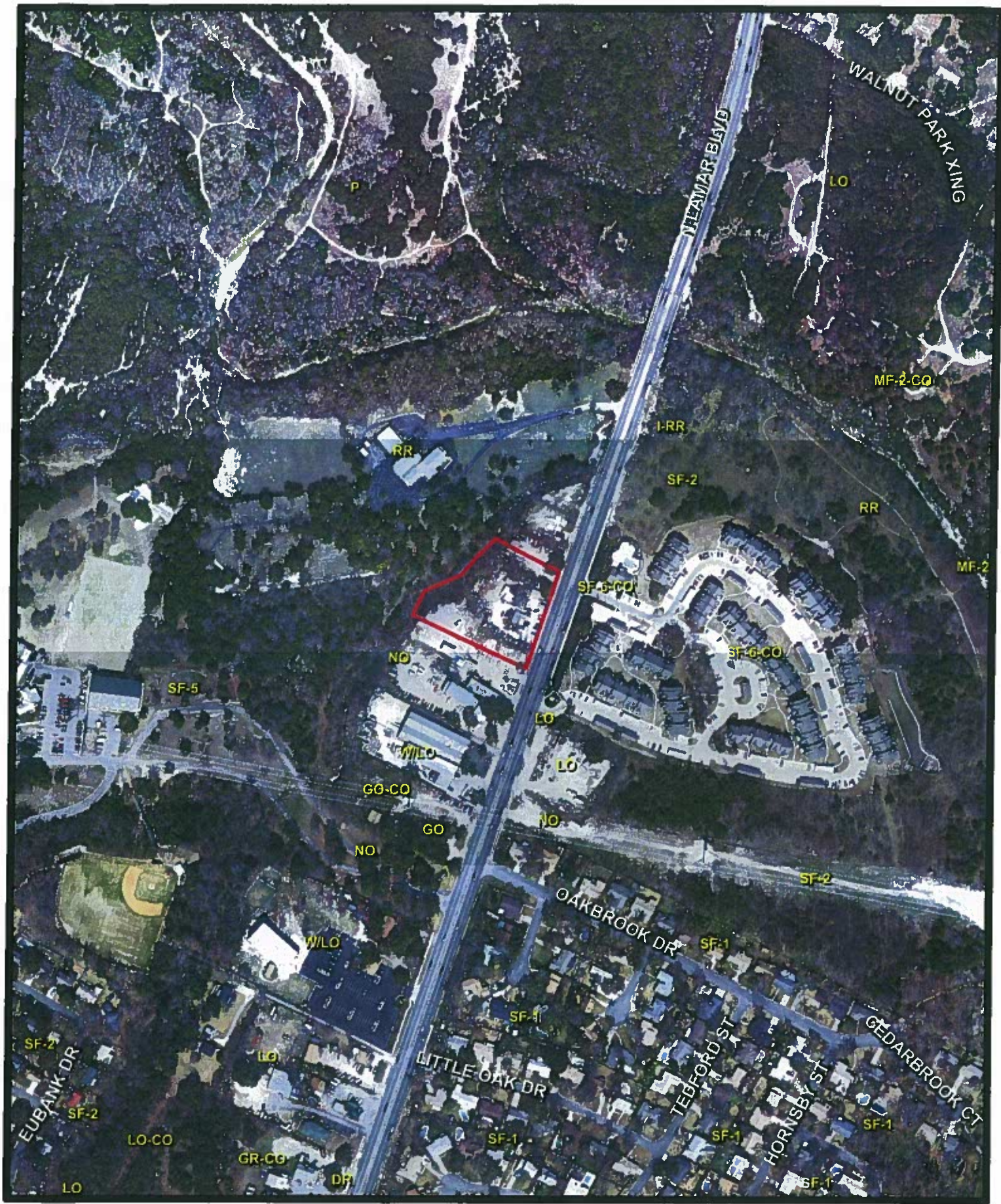
Austin Neighborhood Council
Home Builders Association of Greater Austin
North Growth Corridor Alliance
Austin Parks Foundation
Scofield Farms Residents Association
Yager Planning Area
Austin Northwest Association
Walnut Creek Neighborhood Association

SCHOOLS:

Walnut Creek Elementary School
Dobie Middle School
Lanier High School

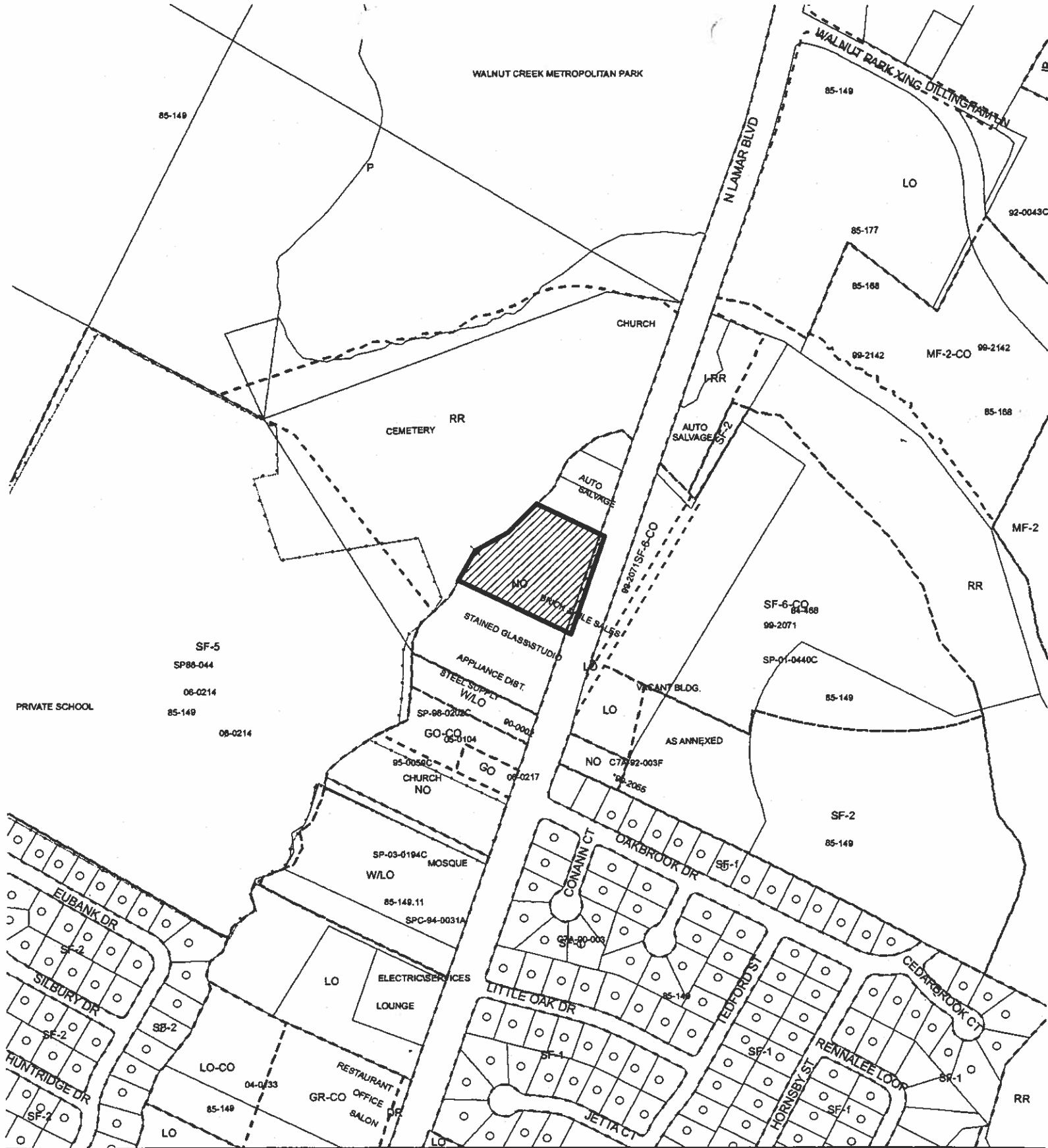
CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2006-0217	NO to GO	APVD STAFF REC OF GO BY CONSENT (9-0) 12/19/06	APVD GO (6-0); ALL 3 RDGS, 1/25/07
C14-04-0133	DR/LO to GR-CO	APVD GR-CO (9-0), 9/23/03	APVD GR-CO (6-0); ALL 3 RDGS, 10/23/03






C14-2008-0191 12100 North Lamar

From NO (Neighborhood Office) to GR (Community Commercial) District Zoning



ZONING

ZONING CASE#: C14-2008-0191
 ADDRESS: 12100 N LAMAR BLVD
 SUBJECT AREA: 2.375 ACRES
 GRID: M33
 MANAGER: S. SIRWAITIS

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

OPERATOR: S. MEEKS

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



1" = 800'

BASIS FOR RECOMMENDATION

1. *Zoning should be consistent with approved and existing residential densities.*

The property is located across a major arterial roadway from a large multi-family complex and will provide retail and restaurant services to the area.

2. *Zoning changes should promote a balance of intensities and densities.*

The zoning change will promote a transition between less intensive zoning to the north and west, and will promote retail along arterial roadways.

EXISTING CONDITIONS

TRANSPORTATION:

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Daily Traffic
North Lamar Boulevard	100'	65'	Arterial	23,000 (TXDOT, 2006)

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day [LDC, 25-6-117].

There are existing sidewalks along east side of Lamar Boulevard, but there are no existing sidewalks along west side of Lamar Boulevard.

North Lamar Boulevard is classified in the Bicycle Plan as a Priority 2 bike route.

Capital Metro bus service (route no. 11L) is available along North Lamar Boulevard.

Right of Way

No additional right-of-way is needed at this time.

Impervious Cover

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% with Transfers
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is a floodplain within, or adjacent to the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone should be limited to 30%.

Note: The most restrictive impervious cover limit applies.

Environmental

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Site Plan

The site is subject to compatibility standards. Along the west property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
 - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
 - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
 - No parking or driveways are allowed within 25 feet of the property line.
 - In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

CITY COUNCIL DATE: November 20, 2008

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER:

PHONE:

12100 N Lamar ZAP discussion

Commissioner Hammond, ... Commissioners,

I am Wayne Tobias, Representing the Walnut Creek Neighborhood Association, located across Lamar and just up the hill from this property.

The other day I had a pleasant discussion with the applicant, Mr. Naser, where I learned of his intentions for improvements to this property.

On behalf of the neighborhood we wish him well and hope he can see his dream of a restaurant and a few stores on this property come to fruition.

I am here to oppose the original GR zoning request and agree with Staff recommendation of LR ... which I understand the applicant is also in agreement.

To be consistent with other approved zoning changes along this section of Lamar, the Walnut Creek Neighborhood Association would like to request additional conditional-overlay to prohibit the following business types:

Consumer Convenience Services (allowing 24 hour access)
Offsite Parking
Guidance services
Service Station

And, though the applicant is not asking for it ... for the record, we would oppose the condition that would allow fast-food drive-through business under the Restaurant (Limited) provision.

Definition if Guidance Services is challenged:

GUIDANCE SERVICES ... the use of a site for the provision of daytime counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition.

I am sorry to say we have problems near this property where the type of people who should be attending "guidance services" hangout. Placing a guidance service within the "hangout" area would not be appropriate for those utilizing the services or the neighbors/businesses around the services.

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2008-0191

Contact: Steve Rye, 512-974-7604

Public Hearing:

October 21, 2008 Zoning and Platting Commission

November 20, 2008 City Council

THAI-DUONG TRAN

Your Name (please print)

12007 N. LAMAR BLVD, # 821

Your address(es) affected by this application

Thammasak

Signature

Oct 15th, 2008

Date

Comments: Reasons for objections

1. We already have shopping centers all around at short distances
2. The shopping centers we had still have empty places like World Gym, Albersen, Hongsduc
3. A shopping center will affect the park
4. We don't want to spend money, time and trouble to build new roads and exits

☐ I am in favor
☒ I object

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Steve Rye, j

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2008-0191

Contact: Steve Rye, 512-974-7604

Public Hearing:

October 21, 2008 Zoning and Platting Commission
November 20, 2008 City Council

☒ I am in favor
☐ I object

Michelle Hovorky
Your Name (please print)

12014 N Lamar Blvd

Your address(es) affected by this application

Signature

10/21/08
Date

Comments: As long as the business involved are appropriate for an Area - AND will improve the appearance of North Lamar Area.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Steve Rye,}

P. O. Box 1088

Austin, TX 78767-8810